

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

February 20, 1998

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	
)	OCAHO Case No. 97A00143
GOLDENWEST LAUNDRY AND)	
VALET SERVICES, INC.,)	
D/B/A EXPRESS VALET CLEANERS)	
Respondent.)	
)	

FINAL DECISION AND ORDER APPROVING CONSENT FINDINGS

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA or the Act). On August 15, 1995, the Immigration and Nationalization Service (INS or Complainant) served a Notice of Intent to Fine on Goldenwest Laundry and Valet Services, Inc. d/b/a Express Valet Cleaners (Goldenwest or Respondent). After Respondent's written request for a hearing dated September 5, 1995, the INS filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on July 23, 1997 alleging that Goldenwest failed to prepare an Employment Eligibility Verification Form (Form I-9) for fifteen named individuals hired after November 6, 1986, that Goldenwest failed to ensure that one named individual hired after November 6, 1986 properly completed Section 1 of Form I-9, that Goldenwest failed to properly complete Section 2 of Form I-9 for eighty-three named individuals hired after November 6, 1986, that Goldenwest failed to ensure that twenty-four named individuals hired after November 6, 1986 properly completed Section 1 and failed itself to complete Section 2 of Form I-9 for those individuals, and that Goldenwest failed to timely prepare Form I-9 for three individuals hired after November 6, 1986. Timely answer was made followed by additional proceedings. On February 17, 1998, the parties filed a Joint Motion to Approve Consent Findings, together with a Settlement Agreement signed by both parties which resolves all issues in the complaint.

Under § 68.14(a)(1) of the OCAHO Rules of Practice and Procedure:

- (a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:
 - (1) Submit to the presiding Administrative Law Judge:

- (i) the proposed agreement containing consent findings; and
- (ii) a proposed decision and order;

28 C.F.R. § 68.14(a)(1).

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(1). I have reviewed the Settlement Agreement, and find that its terms are appropriate in timeliness, form, and substance pursuant to 28 C.F.R. §§ 68.14(a), (b), and (c).

I further find that under the terms of the Agreement, and pursuant to 28 C.F.R. §§ 68.14 (b) and (c):

1. respondent has withdrawn its request for a hearing on the merits;
2. respondent admits the allegations of Counts I through V of the Complaint and agrees to pay the civil money penalties of \$31,500.00 according to the schedule set forth in the agreement;
3. the parties have waived any further procedural steps before the administrative law judge;
4. the parties have waived any right to challenge or contest the validity of this decision and order;
5. the entire record on which the decision and order is based consists solely of the complaint, the notice of hearing, a request for trial in Santa Ana, California, the answer, complainant's motion to strike respondent's affirmative defenses, an order striking respondent's affirmative defenses and memorandum of prehearing conference, respondent's first amended answer, the joint motion to approve consent findings, and the settlement agreement containing consent findings, which are hereby incorporated by reference;
6. this decision and order shall have the same force and effect as a decision and order made after a full hearing and shall become the final agency order of the Attorney General unless vacated or modified within thirty days by the Chief Administrative Hearing Officer. 28 C.F.R. § 53(a)(2).

SO ORDERED.

Dated and entered this 20th day of February, 1998.

Ellen K. Thomas
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 1998, I have served copies of the foregoing Final Decision and Order Approving Consent Findings on the following individuals at the addresses indicated:

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